

REMARKS

This is a continued examination of application Serial No. 09/597,445, which was under final rejection in an Office Action dated April 25, 2002. Claims 1-6, 8-14, and 16-22 were pending at the time of the final rejection.

In paragraph 2 of the detailed action the Examiner rejected claims 8 and 13 under 35 USC § 112, second paragraph. The Examiner stated that claim 8 is indefinite as it depends from cancelled claim 7. In a previous response, claim 1 was amended by inserting therein the limitations from claim 7. Accordingly, in the amended claims, claim 8 has been amended so as to depend from claim 1. With respect to claim 13, this claim has been cancelled without prejudice.

In paragraph 6 of the detailed action, the Examiner stated that claim 6 was objected to as being dependent on a rejected base claim, but would be allowable over the prior art made of record if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. In view of this, claim 1 has been amended by inserting the limitations from claims 5 and 6. Claims 5 and 6 are therefore cancelled without prejudice. In view of the amendment to claim 1, claim 1 is in allowable form.

Similarly, the Examiner objected to claims 17-21 as being dependent upon a rejected base claim but containing allowable subject matter. Claim 14 has been amended by inserting therein the limitations from claim 17. Accordingly, claim 14 and the claims dependent therefrom are in allowable format. Claim 17 has been cancelled without prejudice.

The applicant has cancelled claims 11 and 12 without prejudice.

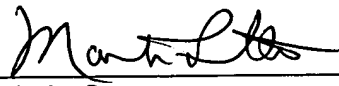
Finally, the applicant has inserted new claim 23. Claim 23 depends from claim 14, which is in allowable form. Support for the subject matter of claim 23 can be found in Figure 4. No new matter has been added.

Accordingly, applicant respectfully submits that with amended claims 1, 8, 14 and 18, allowed claim 10 and new claim 23, claims 1-4, 8-10, 14, 16 and 18-23 are patentable over the cited prior art and requests that they be allowed.

Respectfully submitted,

MICHAEL BEST & FRIEDRICH LLC

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By: 
Martin L. Stern
Reg. No. 28911
401 N. Michigan Ave.
Chicago, Illinois 60611
Phone: (312) 661-2100
Fax: (312) 661-0029

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Charles A. Laff	Reg. No. 19787
J. Warren Whitesel	Reg. No. 16830
Larry L. Saret	Reg. No. 27674
Martin L. Stern	Reg. No. 28911
Louis Altman	Reg. No. 19373
Barry W. Sufrin	Reg. No. 27398
Kevin C. Trock	Reg. No. 37745
Perry J. Hoffman	Reg. No. 37150
Robert A. Yesukevich	Reg. No. 36064
Lisa C. Childs	Reg. No. 39937
Catherine J. Wright-Mitchell	Reg. No. 47187
David R. Price	Reg. No. 31,557
John C. Bigler	Reg. No. 29,513
Glenn M. Massina	Reg. No. 40,081
Leon Nigohosian, Jr.	Reg. No. 39,791
Donald W. Walk	Reg. No. 29,118
Christopher B. Austin	Reg. No. 41,592
David L. De Bruin	Reg. No. 35,489
Gerald L. Fellows	Reg. No. 36,133
Joseph A. Gemignani	Reg. No. 19,482
Gregory J. Hartwig	Reg. No. 46,761
Daniel S. Jones	Reg. No. 42,697
Richard L. Kaiser	Reg. No. 46,158
Timothy M. Kelley	Reg. No. 34,201

Casimir F. Laska	Reg. No. 30,862
Edward R. Lawson Jr.	Reg. No. 41,931
Craig J. Loest	Reg. No. P-48,557
Richard H. Marschall	Reg. No. 39,290
Thomas A. Miller	Reg. No. 36,871
Kevin P. Moran	Reg. No. 37,193
Thomas J. Otterlee	Reg. No. P-48,652
Thomas S. Reynolds II	Reg. No. 45,262
Raye L. Shaffer	Reg. No. 47,933
Chad W. Shea	Reg. No. P-48,470
David B. Smith	Reg. No. 27,595
Derek C. Stettner	Reg. No. 37,945
Billie Jean Strandt	Reg. No. 36,940
Glen A. Weitzer	Reg. No. P-48,337
Sheldon L. Wolfe	Reg. No. 43,996
Paul F. Donovan	Reg. No. 39,962
Jill A. Fahrlander	Reg. No. 42,518
Grady J. Frenchick	Reg. No. 29,018
Jeffrey D. Peterson	Reg. No. P-49,038
Sara Vinarov	Reg. No. P-48,524
Teresa J. Welch	Reg. No. 33,049
Sean S. Swidler	Reg. No. 49,033



APPENDIX A

Version of Claims with Markings to Show Changes Made

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GROUP 3600

1. (Twice Amended). A backrest for attachment to a chair having a seat, the backrest having a front and a back and comprising:
 - (a) a frame having a top and a bottom and comprising an outer peripheral portion which surrounds a central portion;
 - (b) a support shell mounted on the frame; and,
 - (c) a plurality of flexible, independently moveable, vertically extending members mounted to said support shell and positioned to engage at least a portion of a back of a person when the person is seated in the chair, whereby the support shell and the vertically extending members are formed integrally, the vertically extending members are positioned in the central portion when the backrest is assembled and the vertically extending members engage the frame only at the top and the bottom whereby the vertically extending members support the back of the person without engaging any structural member positioned behind the vertically extending members [the backrest conforms to the shape of the back of the person].

8. (Amended) The backrest of claim 1 [7] wherein the support shell and the frame each have an outer peripheral portion and a central opening and the vertically extending members are positioned in the central openings.

14. (Amended) A backrest for attachment to a chair having a seat, the backrest comprising:
- (a) a support structure having a top and a bottom;
 - (b) a plurality of vertically extending members having a top portion and a bottom portion, said vertically extending [connected] members being laterally spaced apart for at least a portion of their height to permit independent movement of adjacent vertically extending members, wherein each of the vertically extending members supports a longitudinal section of at least the lumbar region of a person seated on the chair without engaging a supplemental support member, the vertically extending members are adjustable by raising or lowering one of the top portion or the bottom portion.
18. (Amended) The backrest of claim 1[7]4 wherein one of the top portion or the bottom portion is attached directly to the support structure and the other of the top portion or the bottom portion is engageable at a plurality of vertically spaced apart engagement members provided on the support structure.